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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,529	12/05/2003	Bruce Nelson Rogers	01445.US1	1913

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EXAMINER

JONES, DAMERON LEVEST

ART UNIT	PAPER NUMBER
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1616

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/729,529

Applicant(s)

ROGERS ET AL.

Examiner

D. L. Jones

Art Unit

1616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-18 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## RESTRICTION INTO GROUPS

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - (1). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is I* (see independent claim 1, line 5) and *W = (A), either A-1 or A-2*, as set forth on page 62, classified in class 424, subclass 1.65.
  - (2). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is I* (see independent claim 1, line 5) and *W = (B) wherein the 5-membered heterocyclic ring has zero nitrogen atoms* (see page 63), classified in class 424, subclass 1.65.
  - (3). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is I* (see independent claim 1, line 5) and *W = (B) wherein the 5-membered heterocyclic ring has one nitrogen atoms* (see page 63), classified in class 424, subclass 1.65.
  - (4). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is I* (see independent claim 1, line 5) and *W = (B) wherein the 5-membered heterocyclic ring has two nitrogen atoms* (see page 63), classified in class 424, subclass 1.65.
  - (5). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is I* (see independent claim 1, line 5) and *W = (B) wherein the 5-membered heterocyclic ring has three nitrogen atoms* (see page 63), classified in class 424, subclass 1.65.

- (6). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is I* (see independent claim 1, line 5) and *W = (B) wherein the 5-membered heterocyclic ring has four nitrogen atoms* (see page 63), classified in class 424, subclass 1.65.
- (7). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is I* (see independent claim 1, line 5) and *W = (C) wherein the 6-membered heterocyclic ring has one nitrogen atom* (see page 64), classified in class 424, subclass 1.65.
- (8). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is I* (see independent claim 1, line 5) and *W = (C) wherein the 6-membered heterocyclic ring has two nitrogen atoms* (see page 64), classified in class 424, subclass 1.65.
- (9). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is I* (see independent claim 1, line 5) and *W = (C), a 10-membered bicyclic-six-six fused ring having zero nitrogen atom* (see page 64), classified in class 424, subclass 1.65.
- (10). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is I* (see independent claim 1, line 5) and *W = (C), a 10-membered bicyclic-six-six fused ring having one nitrogen atom* (see page 64), classified in class 424, subclass 1.65.
- (11). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is I* (see independent claim 1, line 5) and *W*

= (C), a 10-membered bicyclic-six-six fused ring having two nitrogen atoms (see page 64), classified in class 424, subclass 1.65.

- (12). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is I* (see independent claim 1, line 5) and *W = (D), the first structure appearing in claim 1, line 60, wherein the ring containing D0, D1, D2, D3 has one nitrogen atom* (see page 65), classified in class 424, subclass 1.65.
- (13). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is I* (see independent claim 1, line 5) and *W = (D), the second structure appearing in claim 1, line 60, wherein the ring containing D0, D1, D2, D3 has one nitrogen atom* (see page 65), classified in class 424, subclass 1.65.
- (14). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is I* (see independent claim 1, line 5) and *W = (D), the third structure appearing in claim 1, line 60, wherein the ring containing D0, D1, D2, D3 has one nitrogen atom* (see page 65), classified in class 424, subclass 1.65.
- (15). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is I* (see independent claim 1, line 5) and *W = (E) wherein E0 = CH (generates a 6-membered carbon, only, containing ring)* (see page 66), classified in class 424, subclass 1.65.

- (16). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is I* (see independent claim 1, line 5) and *W = (E) wherein E0 = N (generates a 6-membered nitrogen containing ring)* (see page 66), classified in class 424, subclass 1.65.
- (17). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is I* (see independent claim 1, line 5) and *W = (F), specifically, both (F-1) and (-2) wherein F0 = CH* (see page 68), classified in class 424, subclass 1.65.
- (18). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is I* (see independent claim 1, line 5) and *W = (F), specifically, (F-1) wherein F0 = N* (see page 68), classified in class 424, subclass 1.65.
- (19). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is I* (see independent claim 1, line 5) and *W = (G) wherein G1 = N* (see page 69), classified in class 424, subclass 1.65.
- (20). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is I* (see independent claim 1, line 5) and *W = (G) wherein G1 = CH* (see page 69), classified in class 424, subclass 1.65.

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- (21). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is I* (see independent claim 1, line 5) and  $W = (H)$  wherein  $H' = N$  (see page 70), classified in class 424, subclass 1.65.
- (22). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is I* (see independent claim 1, line 5) and  $W = (H)$  wherein  $H' = CH$  (see page 70), classified in class 424, subclass 1.65.
- (23). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is II* (see independent claim 1, line 5) and  $W = (A)$ , both A-1 or A-2, as set forth on page 62, classified in class 424, subclass 1.65.
- (24). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is II* (see independent claim 1, line 5) and  $W = (B)$  wherein the 5-membered heterocyclic ring has zero nitrogen atoms (see page 63), classified in class 424, subclass 1.65.
- (25). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is II* (see independent claim 1, line 5) and  $W = (B)$  wherein the 5-membered heterocyclic ring has one nitrogen atoms (see page 63), classified in class 424, subclass 1.65.
- (26). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is II* (see independent claim 1, line 5) and  $W$

= (B) wherein the 5-membered heterocyclic ring has two nitrogen atoms

(see page 63), classified in class 424, subclass 1.65.

- (27). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is II* (see independent claim 1, line 5) and *W* = (B) wherein the 5-membered heterocyclic ring has three nitrogen atoms (see page 63), classified in class 424, subclass 1.65.
- (28). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is II* (see independent claim 1, line 5) and *W* = (B) wherein the 5-membered heterocyclic ring has four nitrogen atoms (see page 63), classified in class 424, subclass 1.65.
- (29). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is II* (see independent claim 1, line 5) and *W* = (C) wherein the 6-membered heterocyclic ring has one nitrogen atom (see page 64), classified in class 424, subclass 1.65.
- (30). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is II* (see independent claim 1, line 5) and *W* = (C) wherein the 6-membered heterocyclic ring has two nitrogen atoms (see page 64), classified in class 424, subclass 1.65.
- (31). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is II* (see independent claim 1, line 5) and *W* = (C), a 10-membered bicyclic-six-six fused ring having zero nitrogen atom (see page 64), classified in class 424, subclass 1.65.



- (32). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is II* (see independent claim 1, line 5) and *W = (C), a 10-membered bicyclic-six-six fused ring having one nitrogen atom* (see page 64), classified in class 424, subclass 1.65.
- (33). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is II* (see independent claim 1, line 5) and *W = (C), a 10-membered bicyclic-six-six fused ring having two nitrogen atoms* (see page 64), classified in class 424, subclass 1.65.
- (34). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is II* (see independent claim 1, line 5) and *W = (D), the first structure appearing in claim 1, line 60, wherein the ring containing D0, D1, D2, D3 has one nitrogen atom* (see page 65), classified in class 424, subclass 1.65.
- (35). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is II* (see independent claim 1, line 5) and *W = (D), the second structure appearing in claim 1, line 60, wherein the ring containing D0, D1, D2, D3 has one nitrogen atom* (see page 65), classified in class 424, subclass 1.65.
- (36). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is II* (see independent claim 1, line 5) and *W = (D), the third structure appearing in claim 1, line 60, wherein the ring*

*containing D0, D1, D2, D3 has one nitrogen atom (see page 65),*

*classified in class 424, subclass 1.65.*

- (37). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is II* (see independent claim 1, line 5) and *W = (E) wherein E0 = CH (generates a 6-membered carbon, only, containing ring)* (see page 66), classified in class 424, subclass 1.65.
- (38). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is II* (see independent claim 1, line 5) and *W = (E) wherein E0 = N (generates a 6-membered nitrogen containing ring)* (see page 66), classified in class 424, subclass 1.65.
- (39). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is II* (see independent claim 1, line 5) and *W = (F), specifically, both (F-1) and (-2) wherein F0 = CH* (see page 68), classified in class 424, subclass 1.65.
- (40). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is II* (see independent claim 1, line 5) and *W = (F), specifically, (F-1) wherein F0 = N* (see page 68), classified in class 424, subclass 1.65.
- (41). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is II* (see independent claim 1, line 5) and *W = (G) wherein G1 = N* (see page 69), classified in class 424, subclass 1.65.

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- (42). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is II* (see independent claim 1, line 5) and  $W = (G)$  wherein  $G1 = CH$  (see page 69), classified in class 424, subclass 1.65.
- (43). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is II* (see independent claim 1, line 5) and  $W = (H)$  wherein  $H' = N$  (see page 70), classified in class 424, subclass 1.65.
- (44). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is II* (see independent claim 1, line 5) and  $W = (H)$  wherein  $H' = CH$  (see page 70), classified in class 424, subclass 1.65.
- (45). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is III* (see independent claim 1, line 5) and  $W = (A)$ , both A-1 or A-2, as set forth on page 62, classified in class 424, subclass 1.65.
- (46). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is III* (see independent claim 1, line 5) and  $W = (B)$  wherein the 5-membered heterocyclic ring has zero nitrogen atoms (see page 63), classified in class 424, subclass 1.65.
- (47). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is III* (see independent claim 1, line 5) and  $W$

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= (B) wherein the 5-membered heterocyclic ring has one nitrogen atoms  
(see page 63), classified in class 424, subclass 1.65.

- (48). Claims 1-18, drawn to compounds and uses thereof having Formula I  
wherein the *azabicyclo group is III* (see independent claim 1, line 5) and *W*  
= (B) wherein the 5-membered heterocyclic ring has two nitrogen atoms  
(see page 63), classified in class 424, subclass 1.65.
- (49). Claims 1-18, drawn to compounds and uses thereof having Formula I  
wherein the *azabicyclo group is III* (see independent claim 1, line 5) and *W*  
= (B) wherein the 5-membered heterocyclic ring has three nitrogen atoms  
(see page 63), classified in class 424, subclass 1.65.
- (50). Claims 1-18, drawn to compounds and uses thereof having Formula I  
wherein the *azabicyclo group is III* (see independent claim 1, line 5) and *W*  
= (B) wherein the 5-membered heterocyclic ring has four nitrogen atoms  
(see page 63), classified in class 424, subclass 1.65.
- (51). Claims 1-18, drawn to compounds and uses thereof having Formula I  
wherein the *azabicyclo group is III* (see independent claim 1, line 5) and *W*  
= (C) wherein the 6-membered heterocyclic ring has one nitrogen atom  
(see page 64), classified in class 424, subclass 1.65.
- (52). Claims 1-18, drawn to compounds and uses thereof having Formula I  
wherein the *azabicyclo group is III* (see independent claim 1, line 5) and *W*  
= (C) wherein the 6-membered heterocyclic ring has two nitrogen atoms  
(see page 64), classified in class 424, subclass 1.65.

- (53). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is III* (see independent claim 1, line 5) and *W = (C), a 10-membered bicyclic-six-six fused ring having zero nitrogen atom* (see page 64), classified in class 424, subclass 1.65.
- (54). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is III* (see independent claim 1, line 5) and *W = (C), a 10-membered bicyclic-six-six fused ring having one nitrogen atom* (see page 64), classified in class 424, subclass 1.65.
- (55). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is III* (see independent claim 1, line 5) and *W = (C), a 10-membered bicyclic-six-six fused ring having two nitrogen atoms* (see page 64), classified in class 424, subclass 1.65.
- (56). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is III* (see independent claim 1, line 5) and *W = (D), the first structure appearing in claim 1, line 60, wherein the ring containing D0, D1, D2, D3 has one nitrogen atom* (see page 65), classified in class 424, subclass 1.65.
- (57). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is III* (see independent claim 1, line 5) and *W = (D), the second structure appearing in claim 1, line 60, wherein the ring containing D0, D1, D2, D3 has one nitrogen atom* (see page 65), classified in class 424, subclass 1.65.

- (58). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is III* (see independent claim 1, line 5) and *W = (D)*, the third structure appearing in claim 1, line 60, wherein the ring containing D0, D1, D2, D3 has one nitrogen atom (see page 65), classified in class 424, subclass 1.65.
- (59). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is III* (see independent claim 1, line 5) and *W = (E)* wherein *E0 = CH* (generates a 6-membered carbon, only, containing ring) (see page 66), classified in class 424, subclass 1.65.
- (60). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is III* (see independent claim 1, line 5) and *W = (E)* wherein *E0 = N* (generates a 6-membered nitrogen containing ring) (see page 66), classified in class 424, subclass 1.65.
- (61). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is III* (see independent claim 1, line 5) and *W = (F)*, specifically, both (F-1) and (-2) wherein *F0 = CH* (see page 68), classified in class 424, subclass 1.65.
- (62). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is III* (see independent claim 1, line 5) and *W = (F)*, specifically, (F-1) wherein *F0 = N* (see page 68), classified in class 424, subclass 1.65.

- (63). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is III* (see independent claim 1, line 5) and  $W = (G)$  wherein  $G1 = N$  (see page 69), classified in class 424, subclass 1.65.
- (64). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is III* (see independent claim 1, line 5) and  $W = (G)$  wherein  $G1 = CH$  (see page 69), classified in class 424, subclass 1.65.
- (65). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is III* (see independent claim 1, line 5) and  $W = (H)$  wherein  $H' = N$  (see page 70), classified in class 424, subclass 1.65.
- (66). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is III* (see independent claim 1, line 5) and  $W = (H)$  wherein  $H' = CH$  (see page 70), classified in class 424, subclass 1.65.
- (67). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is IV* (see independent claim 1, line 5) and  $W = (A)$ , both A-1 and A-2, as set forth on page 62, classified in class 424, subclass 1.65.
- (68). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is IV* (see independent claim 1, line 5) and

*W = (B) wherein the 5-membered heterocyclic ring has zero nitrogen atoms (see page 63), classified in class 424, subclass 1.65.*

- (69). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is IV* (see independent claim 1, line 5) and *W = (B) wherein the 5-membered heterocyclic ring has one nitrogen atoms (see page 63), classified in class 424, subclass 1.65.*
- (70). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is IV* (see independent claim 1, line 5) and *W = (B) wherein the 5-membered heterocyclic ring has two nitrogen atoms (see page 63), classified in class 424, subclass 1.65.*
- (71). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is IV* (see independent claim 1, line 5) and *W = (B) wherein the 5-membered heterocyclic ring has three nitrogen atoms (see page 63), classified in class 424, subclass 1.65.*
- (72). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is IV* (see independent claim 1, line 5) and *W = (B) wherein the 5-membered heterocyclic ring has four nitrogen atoms (see page 63), classified in class 424, subclass 1.65.*
- (73). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is IV* (see independent claim 1, line 5) and *W = (C) wherein the 6-membered heterocyclic ring has one nitrogen atom (see page 64), classified in class 424, subclass 1.65.*



- (74). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is IV* (see independent claim 1, line 5) and *W = (C) wherein the 6-membered heterocyclic ring has two nitrogen atoms* (see page 64), classified in class 424, subclass 1.65.
- (75). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is IV* (see independent claim 1, line 5) and *W = (C), a 10-membered bicyclic-six-six fused ring having zero nitrogen atom* (see page 64), classified in class 424, subclass 1.65.
- (76). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is IV* (see independent claim 1, line 5) and *W = (C), a 10-membered bicyclic-six-six fused ring having one nitrogen atom* (see page 64), classified in class 424, subclass 1.65.
- (77). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is IV* (see independent claim 1, line 5) and *W = (C), a 10-membered bicyclic-six-six fused ring having two nitrogen atoms* (see page 64), classified in class 424, subclass 1.65.
- (78). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is IV* (see independent claim 1, line 5) and *W = (D), the first structure appearing in claim 1, line 60, wherein the ring containing D0, D1, D2, D3 has one nitrogen atom* (see page 65), classified in class 424, subclass 1.65.

- (79). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is IV* (see independent claim 1, line 5) and *W = (D), the second structure appearing in claim 1, line 60, wherein the ring containing D0, D1, D2, D3 has one nitrogen atom* (see page 65), classified in class 424, subclass 1.65.
- (80). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is IV* (see independent claim 1, line 5) and *W = (D), the third structure appearing in claim 1, line 60, wherein the ring containing D0, D1, D2, D3 has one nitrogen atom* (see page 65), classified in class 424, subclass 1.65.
- (81). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is IV* (see independent claim 1, line 5) and *W = (E) wherein E0 = CH (generates a 6-membered carbon, only, containing ring)* (see page 66), classified in class 424, subclass 1.65.
- (82). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is IV* (see independent claim 1, line 5) and *W = (E) wherein E0 = N (generates a 6-membered nitrogen containing ring)* (see page 66), classified in class 424, subclass 1.65.
- (83). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is IV* (see independent claim 1, line 5) and *W = (F), specifically, both (F-1) and (-2) wherein F0 = CH* (see page 68), classified in class 424, subclass 1.65.

- (84). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is IV* (see independent claim 1, line 5) and  $W = (F)$ , specifically,  $(F-1)$  wherein  $F0 = N$  (see page 68), classified in class 424, subclass 1.65.
- (85). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is IV* (see independent claim 1, line 5) and  $W = (G)$  wherein  $G1 = N$  (see page 69), classified in class 424, subclass 1.65.
- (86). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is IV* (see independent claim 1, line 5) and  $W = (G)$  wherein  $G1 = CH$  (see page 69), classified in class 424, subclass 1.65.
- (87). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is IV* (see independent claim 1, line 5) and  $W = (H)$  wherein  $H' = N$  (see page 70), classified in class 424, subclass 1.65.
- (88). Claims 1-18, drawn to compounds and uses thereof having Formula I wherein the *azabicyclo group is IV* (see independent claim 1, line 5) and  $W = (H)$  wherein  $H' = CH$  (see page 70), classified in class 424, subclass 1.65.

**Note:** Claims appearing in more than one Group will only be examined to the extent that they read upon the elected invention. In addition, it should be noted that the

compounds have been broadly classified in class/subclass. This is necessary because depending up the other substitutents present in the core structure (i.e., other rings having nitrogen, sulfur, oxygen, or carbon atoms), additional classes/subclasses may be searched.

2. The inventions are distinct, each from the other because of the following reasons: Inventions I-III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case, the different inventions are structurally different. Therefore, there is no common core, separate searches are necessary for each Group; and prior art which renders obvious or anticipates one Group would neither render obvious nor anticipate another group. It should be noted that the location of the nitrogen atom various in the azabicyclo structure from that of the bridge itself to various atoms in the base ring structure (i.e., the 6-membered ring portion of the structure, see claim 1, line 5). Also, the total number of members in the azabicyclo structures vary (i.e., in the first and second structures of claim 1, line 5, I has eight members and II has seven members).
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

## ELECTION OF SPECIES

4. Claims 1-18 are generic to a plurality of disclosed patentably distinct species comprising compositions and uses thereof as set forth in independent claim 1. In particular, the claims may contain W groups in combination with the different types of azabicyclo structures disclosed in Formula I. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species *for search purpose*, even though this requirement is traversed.

**Note:** *The Examiner respectfully requests that the Applicant elect a species from within the elected group above. Also, Applicant is asked to identify **ALL** variables and the isotopic label associated with the elected species (i.e., R2 is CH3; R3 is CH2CH3; R4 is hydrogen, etc.) and the claims that read on the species.*

5. Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

6. Due to the complexity of the restriction requirement, a telephone call was not made to request an oral election to the above restriction requirement.

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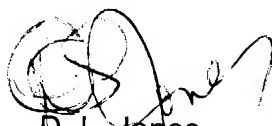
7. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

8. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. L. Jones whose telephone number is (571) 272-0617. The examiner can normally be reached on Mon.-Fri., 6:45 a.m. - 3:15 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Kunz can be reached on (571) 272-0887. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



D. L. Jones  
Primary Examiner  
Art Unit 1616

September 16, 2004